

1 Dale Larabee Esq. SB #50962  
 2 Joel D. Larabee, Esq. SB#243117  
 3 LAW OFFICES OF  
 4 LARABEE GIENAPP LARABEE, APC  
 5 2120 FOURTH AVENUE  
 6 SAN DIEGO, CALIFORNIA 92101-3542  
 7 TELEPHONE: (619) 234-3054  
 8 TELECOPIER: (619) 234-3001  
 9 **E-mail:** [Dale@lgllawyers.com](mailto:Dale@lgllawyers.com)  
 10 **E-mail:** [joel@lgllawyers.com](mailto:joel@lgllawyers.com)

11 Attorneys for Plaintiff,  
 12 ERIK ELLIOT

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

13 ERIK ELLIOT, an individual,

Case No. 8CV1053

14 Plaintiff,

**AMENDED CERTIFICATE OF  
SERVICE**

v.

Complaint Filed: April 29, 2008

15 BLOCKBUSTER, INC., a corporation, and  
 16 DOES 1 through 25, inclusive,

Judge: Hon. Dana M. Sabraw

17 Defendants.  
 18

Trial Date: Not Set

19 By indication of the undersigned, all defendants named in the above entitled case, have been  
 20 properly and timely served.

21  
 22  
 23  
 24 Dated: June 18, 2008

  
 25 E. Chantall Marroquin

26  
27  
28

Case No. 8CV1053

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

FOR COURT USE ONLY

DALE R. LARABEE, ESQ.

SBN: 50962

LARABEE GIENAPP LARABEE, APC

2120 FOURTH AVENUE SAN DIEGO, CA 92101

TELEPHONE NO.: (619) 234-3054

FAX NO.(Optional): (619) 234-3001

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

STREET ADDRESS: 330 WEST BROADWAY

MAILING ADDRESS:

CITY AND ZIP CODE: SAN DIEGO, CA 92101

BRANCH NAME: SAN DIEGO

PLAINTIFF/PETITIONER: <b>ELLIOT</b>	CASE NUMBER:
DEFENDANT/RESPONDENT: <b>BLOCKBUSTER</b>	37-2008-00082941-CUWTCTL

**PROOF OF SERVICE OF SUMMONS**

Ref. No. or File No.:
CHANTALL/ELLIOT

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:

- summons  
 complaint  
 c.  Alternative Dispute Resolution (ADR) package  
 d.  Civil Case Cover Sheet (*served in complex cases only*)  
 e.  cross-complaint  
 f.  other (*specify documents*): **Notice of Case Assignment; Notice to Litigants/ADR INFORMATION PACKAGE; Civil Case Cover Sheet; Stipulation to Use of Alternative Dispute Resolution Process**

3. a. Party served (*specify name of party as shown on documents served*):

**BLOCKBUSTER, INC., A CORPORATION**

- b. Person served:  party in item 3a  other (*specify name and relationship to the party named in item 3a*):  
**BECKY DEGEORGE, AGENT FOR SERVICE OF PROCESS**

4. Address where the party was served: **2730 GATEWAY OAKS DRIVE SUITE 100  
SACRAMENTO, CA 95833**

5. I served the party (*check proper box*)

a.  **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **05/15/2008** (2) at (time): **12:47 pm**

b.  **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (*name and title or relationship to person indicated in item 3b*):

- (1)  (**business**) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2)  (**home**) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3)  (**physical address unknown**) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): **or**  a declaration of mailing is attached.
- (5)  I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: ELLIOT

CASE NUMBER:

RESPONDENT: BLOCKBUSTER

37-2008-00082941-CUWTCTL

c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date): (2) from (city):

(3)  with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)

(4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d.  by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a.  as an individual defendant.
- b.  as the person sued under the fictitious name of (specify):
- c.  as occupant.
- d.  on behalf of (specify): **BLOCKBUSTER, INC., A CORPORATION**  
under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation)          | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. Person who served papers

- a. Name: **JEFF KING**
- b. Address: **P.O. BOX 3969 SAN DIEGO, CA 92163**
- c. Telephone number: **(619) 260-8224**
- d. The fee for service was: **\$ 52.50**
- e. I am:

- (1)  not a registered California process server.
- (2)  exempt from registration under Business and Professions Code section 22350(b).
- (3)  registered California process server:
  - (i)  owner  employee  independent contractor.
  - (ii) Registration No.: **2006-60**
  - (iii) County: **SACRAMENTO**

8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

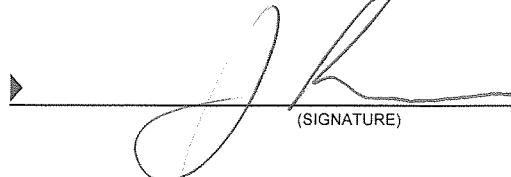
9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **05/21/2008**



**DIVERSIFIED LEGAL SERVICES, INC.**  
P.O. BOX 3969  
SAN DIEGO, CA 92163  
(619) 260-8224

**JEFF KING**  
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

  
(SIGNATURE)